

1 BILL NO. S-90-05-45

2 SPECIAL ORDINANCE NO. 195-90

3 AN ORDINANCE of the Common
4 Coucil of the City of Fort
5 Wayne, Indiana, concerning
6 certain technical corrections
7 amending Ordinance No. S-207-
8 89, an ordinance concerning the
9 construction of extensions and
10 additions to the waterworks
11 system owned and operated by
12 said City of Fort Wayne,
13 authorizing the issuance of
14 revenue bonds to provide for
15 the cost thereof, matters
16 connected therewith, and
17 repealing ordinances in
18 conflict therewith.

19 WHEREAS, the City of Fort Wayne is the owner of and
20 operates an unencumbered waterworks system furnishing the
21 public water supply to said City and its inhabitants; and

22 WHEREAS, the Board of Public Works has determined and
23 the Common Council of the City of Fort Wayne, has found that
24 the waterworks is in need of certain extensions, additions
25 and repairs in order to properly protect the health, well-
26 being and property of the City and its inhabitants; and

27 WHEREAS, the Common Council has, pursuant to Ordinance
28 No. S-207-89, authorized the issuance of revenue bonds in the
29 amount of Seven Million Five Hundred Thousand Dollars
30 (\$7,500,000) in order to provide funding for such extensions,
31 additions and reparis; and

32 WHEREAS, the Common Council finds that a scrivener's
error exists in Ordinance No. S-207-89 which would adversely
effect the protection afforded the bondholders through the
Bond and Interest Redemption Account, defined therein, and
now wishes to make such technical corrections as are
necessary to correct such error.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Ordinance No. S-207-89 as amended and
passed by the Common Council of Fort Wayne, Indiana on
December 12, 1989 is hereby amended as follows:

SECTION 4, page 7, line 21, between "interest on" and "the principal of" insert the word "and," Section 4, page 7, line 28, change the word "Operating" to "Operation." The amended sentence beginning on line 19 shall read:

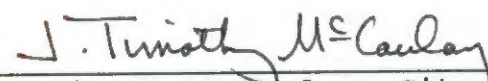
If and when a surplus shall be created in said Bond and Interest Redemption Account which shall be in excess of the interest on and the principal of the bonds, plus ten percent (10%) of the principal and interest payable during the then current calendar, operating or fiscal year, together with the amount of interest on and principal of all bonds which will become due and payable during the calendar, operating or fiscal year then next ensuing, then the Common Council may transfer any excess over such surplus to either the Operation and Maintenance Account or to the Depreciation Account.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed provided, however, that this Ordinance shall not be deemed in any way to repeal, amend, alter or modify the ordinances authorizing the issuance of the 1967 Bonds, the 1968 Bonds, the 1978 Bonds, the 1982 Bonds or the 1986 Bonds nor be construed as adversely affecting the rights of the holders of the aforementioned outstanding 1967 Bonds, 1968 Bonds, 1978 Bonds, 1982 Bonds or 1986 Bonds.

SECTION 3. That this Ordinance shall be in full force and effect for and after its passage, and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO
FORM AND LEGALITY


J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the ^{3rd} third time in full and on motion by Burns, seconded by Edmonds, and duly adopted, placed on its passage. PASSED ~~Lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>	_____	_____	<u>2</u>
BRADBURY	<u>✓</u>	_____	_____	_____
BURNS	<u>✓</u>	_____	_____	_____
EDMONDS	<u>✓</u>	_____	_____	_____
GiaQUINTA	<u>✓</u>	_____	_____	_____
HENRY	<u>✓</u>	_____	_____	_____
LONG	<u>✓</u>	_____	_____	_____
REDD	<u>✓</u>	_____	_____	_____
SCHMIDT	_____	_____	_____	<u>✓</u>
TALARICO	_____	_____	_____	<u>✓</u>

DATED: 5-22-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING MAP) _____ ORDINANCE _____ RESOLUTION NO. J-95-90 on the 22nd day of May, 1990.

ATTEST
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1990, at the hour of 8:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of May, 1990, at the hour of 10:00 o'clock A. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

SUSPENSION OF RULES

BILL NO. S-90-05-45

COUNCILMEMBER Burns, MOVED TO SUSPEND THE RULES
FOR THE PASSAGE OF BILL NO. S-90-05-45, AT THE COMMON COUNCIL
MEETING OF THE CITY OF FORT WAYNE, INDIANA HELD ON THE 22nd
DAY OF May, 19 90, SAID MOTION WAS SECONDED BY
COUNCILMAN Edmonds, AND DULY PASSED BY UNANIMOUS
VOTE OF ALL LEGALLY ELECTED MEMBERS OF THE COMMON COUNCIL. THE ABOVE
BILL NO. S-90-05-45 WAS THEN PLACED ON PASSAGE.

DATED: 5-22-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

William B. Redd
PRESIDING OFFICER

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u> </u>	<u> </u>	<u>2</u>
BRADBURY	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
BURNS	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
EDMONDS	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
GIAQUINTA	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HENRY	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
LONG	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
REDD	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SCHMIDT	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
TALARICO	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA ON 5-22-90, BILL NO. S-90-05-45

ATTEST:

(SEAL)

DATED: 5-22-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE _____ Special Ordinance

DEPARTMENT REQUESTING ORDINANCE _____ City Controller's Office

SYNOPSIS OF ORDINANCE _____ Makes technical amendments to

Ordinance No. S-207-89 to correct scrivener's error.

S-50-05-45

EFFECT OF PASSAGE _____ Ordinance will correctly state practice

utilized to protect bondholders.

EFFECT OF NON-PASSAGE _____ Ordinance will inaccurately state

practice utilized to protect bondholders.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____ None.

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. S-90-05-45

City of Fort Wayne
REPORT OF THE COMMITTEE ON ~~FINANCE~~

Burns
THOMAS C. HENRY, CHAIRMAN

Don J. Schmidt DONALD J. SCHMIDT, VICE CHAIRMAN

BRADBURY, BURNS, GIACQUINTA *Henry Long, Salinas*

City of Fort Wayne
WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ of the Common Council
of the City of Fort Wayne, Indiana, concerning ~~ce~~tain technical
corrections amending Ordinance No. S-207-89, an ordinance
concerning the construction of extensions and additions to the
waterworks system owned and operated by said City of Fort
Wayne, authorizing the issuance of revenue bonds to provide for
the cost thereof, matters connected therewith, and
repealing ordinances in conflict therewith

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet G. Bradbury
Chas. L. Edmund
Samuel J. Salinas

Henry Long

Janet G. Bradbury

Chas. L. Edmund

Samuel J. Salinas

DATED: 5-22-90

Sandra E. Kennedy
City Clerk